

period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The LVRC seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-4, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before May 1, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C., on April 1, 1981.

Joseph W. Walsh,
Chairman, Railroad Safety Board.

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[Waiver Petition Docket Nos. RSGM-80-41 Through RSGM-80-86]

Petitions for Waiver of Safety Glazing Standards

Notice is hereby given that seven petitioners have submitted requests for temporary or permanent waivers of compliance with the Safety Glazing Standards (49 CFR Part 223). The Federal Railroad Administration (FRA) published a final rule on December 31, 1979, that requires that all newly built and most existing railroad equipment have improved safety glazing materials

installed in order to reduce the risk of death or serious injury resulting from flying objects, including bullets. The regulations provide for the affected locomotives, passenger cars, and cabooses to be equipped with certified glazing in all windows after June 30, 1983.

The individual petitions for a waiver of compliance with this regulation are described below. The description indicates the nature and extent of the relief requested as well as the information that has been submitted in support of the request for the waiver of compliance. It should be noted that each of these petitions involves a request for relief from provisions of the regulation that are applicable to passenger cars.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g., FRA Waiver Petition Docket Number RSGM-80-1) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration (FRA), 400 Seventh Street, SW, Washington, DC 20490. Communications received before May 15, 1981, will be considered by the Federal Railroad Administration before the date final action is taken. All comments will be available for examination both before and after the closing date for comments, during regular business hours (9 a.m.-5 p.m.), in Room 8211, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Illinois Central Gulf Railroad

(Waiver Petition Docket Number RSGM-80-41)

The Illinois Central Gulf Railroad (ICG) seeks a permanent waiver of compliance with Part 223 for a present fleet of approximately 170 passenger cars that is currently used to provide commuter service in the vicinity of Chicago, Illinois. The ICG also seeks a similar waiver for approximately 10 passenger cars owned by the Regional Transportation Authority but operated by the ICG.

The waiver sought by ICG only applies to small windows in the end doors on these cars. These end doors are designed to permit passengers to move between individual cars. The ICG notes that these door windows are in a recessed location between closely coupled cars and, therefore, are not vulnerable to damage or breakage

during normal operations. Consequently, the requested waiver would not expose passengers to any increased risk of injury if granted by FRA. The ICG does not believe that the cost of installing the prescribed glazing is justified since it would serve to protect against a non-existent hazard.

Chicago, Milwaukee, St. Paul and Pacific Railroad

(Waiver Petition Docket Number RSGM-80-42)

The Chicago, Milwaukee, St. Paul and Pacific Railroad (Milwaukee) seeks a permanent waiver of compliance for its present fleet of 118 passenger cars. The requested waiver would also apply to any similar passenger cars owned by the Regional Transportation Authority but furnished to Milwaukee for commuter service in the vicinity of Chicago, Illinois.

The waiver sought by Milwaukee only applies to small windows in the end doors on these cars. These end doors are designed to permit passengers to move between individual cars. The Milwaukee notes that these door windows are in a recessed location between closely coupled cars and therefore are not vulnerable to damage or breakage during normal operations.

Burlington Northern

(Waiver Petition Docket Number RSGM-80-43)

The Burlington Northern (BN) seeks a permanent waiver of compliance for its present fleet of 141 passenger cars. The requested waiver would also apply to any similar passenger cars owned by the Regional Transportation Authority but furnished to BN for commuter service in the vicinity of Chicago, Illinois.

The waiver sought by BN only applies to small windows in the end doors on these cars. These end doors are designed to permit passengers to move between individual cars. The BN notes that these doors are in a recessed location between closely coupled cars and therefore are not vulnerable to damage or breakage during normal operations.

Chicago, South Shore and South Bend Railroad

(Waiver Petition Docket Number RSGM-80-48)

The Chicago, South Shore and South Bend Railroad (South Shore) seeks a temporary waiver of compliance with Part 223 for its present fleet of 49 passenger cars. These cars are currently used to provide passenger service

between South Bend, Indiana, and Chicago, Illinois.

The waiver sought by South Shore would permit these cars to remain in service without the installation of the prescribed glazing materials. The South Shore notes that these cars were originally built in the 1920's and are still in service pending acquisition of replacement equipment. The replacement equipment is being purchased by regional transportation authorities and delivery is anticipated during 1982.

The replacement of vandal damaged windows or a full retrofitting of these cars is sought to be avoided by South Shore due to the anticipated retirement of these cars. The South Shore notes the existing design of these cars does not permit the installation of improved glazing without a substantial modification of the existing window framing. Given the scheduled retirement of the equipment and the difficulty of replacing broken windows with prescribed glazing the South Shore seeks to exempt these cars from the regulation.

National Railroad Passenger Corporation

(Waiver Petition Docket Number RSGM-80-53)

The National Railroad Passenger Corporation (Amtrak) seeks a permanent waiver of compliance with Part 223 for its present fleet of locomotive hauled passenger cars. The waiver sought by Amtrak would apply to the glazing that is installed in windows located in both end facing and side facing door locations.

The Amtrak request indicates that the glazing material currently installed in these locations meets the requirements for large object impacts but fails to meet the bullet impact criteria of the regulation. The failure to meet the bullet impact requirement is only a partial failure, in Amtrak's judgment, because the current material will effectively perform its function if the bullet impact velocity is 850 feet per second rather than the 960 feet per second impact specified in the regulation. Additionally, Amtrak indicates that the location and small size of these door windows presents virtually no safety hazard to either crew members or passengers even if impacted by a bullet. Consequently, granting the requested waiver would not increase the risk of injury to any party to any significant degree.

The Amtrak request also seeks a permanent waiver of compliance for a specific group of twenty-five passenger cars identified as Superliner Lounge/

Cafe cars. These cars are currently being built for Amtrak and will be delivered over a period of time. These cars will be equipped with a glazing material that was specifically designed to allow distortion free sightseeing by passengers. Recent testing of the side window materials intended for installation in these cars indicates that the materials will meet the large object impact criteria of the regulation but will not fully meet the bullet impact criteria. The material will meet a bullet impact if the bullet is impacting at 945 feet per second but not at the 960 feet per second velocity required under the regulation. Amtrak believes that this marginal deviation is so small that no material increase of injury risk for passengers or crew members will exist if it is permitted to install the selected material on this limited group of cars.

Norfolk and Western Railway

(Waiver Petition Docket Number RSGM-80-66)

The Norfolk and Western Railway (N&W) seeks a permanent waiver of compliance with Part 223 for a fleet of 14 passenger cars used to provide commuter service in the vicinity of Chicago, Illinois. These passenger cars are owned by the Regional Transportation Authority and are operated by the N&W.

The waiver sought by N&W only applies to small windows in the end doors on these cars. These end doors are designed to permit passengers to move between individual cars. The N&W notes that these doors are in a recessed location between closely coupled cars and therefore are not vulnerable to damage or breakage during normal operations.

Long Island Railroad

(Waiver Petition Docket Number RSGM-80-8)

The Long Island Railroad (LIRR) seeks a temporary waiver of compliance with Part 223 for its present fleet of approximately 800 passenger cars. These cars are currently used to provide commuter service in the vicinity of New York, New York.

The temporary waiver sought by the LIRR applies only to the side windows of the multiple unit electrical equipment. The LIRR indicates the size of its fleet of cars and the complexity of the window installation will prevent the LIRR meeting the June 30, 1983, deadline for retrofitting the side windows. The LIRR asks for an extension of that retrofit until December 31, 1985. The LIRR indicates that it will have installed the necessary glazing on the front or end

facing locations on this equipment by the 1983 date.

(Sec. 202, 84 Stat. 97 (45 U.S.C. 431); Sec. 1.49(n) regs. of the Office of the Sec. of Trans., 49 CFR 1.49(n))

Issued in Washington, D.C. on April 1, 1981.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-11428 Filed 4-15-81; 8:45 am]

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[Waiver Petition Docket Nos. LI-80-22 Through LI-81-3]

Petitions for Waiver of Locomotive Safety Standards

As required by 45 U.S.C. 431(c), and in accordance with 49 CFR 211.41 and 221.9, notice is hereby given that nine waiver petitions have been submitted to the Federal Railroad Administration (FRA) requesting temporary, or permanent waivers of compliance with 49 CFR Part 229 (Locomotive Safety Standards).

These regulations prescribe minimum safety standards for all locomotives except those propelled by steam power. The regulations were recently revised. The final rule was published in the Federal Register on March 31, 1980, (45 FR 21092) and became effective on May 1, 1980. Each of the railroads or other interested party seeking a waiver is identified below. A brief discussion of each request for waiver is provided.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. The FRA does not anticipate scheduling a public hearing in connection with the aforementioned petitions since the facts do not appear to warrant a hearing.

All communications concerning these petitions must identify the appropriate docket number (e.g., FRA Waiver Petition No. LI-80-1) and should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before May 15, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered to the extent practicable.

Detailed information concerning each petition is on file with the Docket Clerk. Any comments received will also be on file. This material is available for examination by the public during regular business hours (9 a.m.-5 p.m.) in Room 8211, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Ontario Midland Railroad

(FRA Waiver Petition Docket Number LI-80-22)

The Ontario Midland Railroad (OMR) seeks a waiver of compliance for the headlights installed on a single 44 ton locomotive. Additionally the OMR seeks to have this unit excluded from the switching step requirements of the Safety Appliance Standards (49 CFR Part 231).

Staten Island Rapid Transit

(FRA Waiver Petition Docket Number LI-80-23)

The Staten Island Rapid Transit Operating Authority (SIRT), a subsidiary of Metropolitan Transportation Authority of the State of New York, seeks a permanent waiver of compliance for fleet of 52 self-propelled multiple unit electric rapid transit passenger cars. These units are classified as locomotives and are subject to FRA jurisdiction since they operate on tracks that are part of the general railroad system of transportation.

The SIRT seeks the waiver to avoid installation of the speed indicators as required by Section 229.117 and the installation of a pilot or end plate as required by Section 229.123. The SIRT notes that it operates these units to serve some twenty stations located less than one mile apart. The slow acceleration of these cars and this station spacing keeps operating speeds low and eliminates the need for a speed indicator. The installation of an end plate or pilot would not be advantageous, in the SIRT's judgment, because it would tend to force vandal placed debris between the end plate and the third rail with a risk of electrical fire and service delays. Additionally, the SIRT believes that several suicide attempts that failed, due to the existing sill to railhead clearance, could in the future become fatalities due to the presence of a pilot or end plate.

Union Railroad

(FRA Waiver Petition Docket Number LI-80-24)

The Union Railroad (Union) seeks a permanent waiver of compliance for a fleet of 121 locomotives used in switching or transfer service that are not currently equipped with an end plate, pilot or snowplow as required by § 229.123. The Union notes that it operates for short distances at slow speeds and has operated safely for

many years without these devices.

Massachusetts Bay Transportation Authority

(FRA Waiver Petition Docket Number LI-80-25)

The Massachusetts Bay Transportation Authority (MBTA) seeks a temporary waiver of compliance to continue operating 9 cab control cars without installing speed indicators as required by Section 229.117. The temporary waiver would apply to 9 cab control cars leased from Canada by the MBTA. These units are being operated in commuter service but are scheduled to be returned to Canada during the summer months of 1981.

Southern Railway System

(FRA Waiver Petition Docket Number LI-80-26)

The Southern Railway System (Southern) seeks a permanent waiver of compliance for approximately 500 locomotives that are equipped with a wheel slide alarm device. The waiver sought by Southern involves the limitations on use of a locomotive which develops a defect identified in Section 229.91. The defective conditions, shorting or grounding of either a motor or a generator, specified in this section would significantly limit the continued operation of a locomotive.

The waiver sought by Southern would permit a more extensive operation of the defective locomotive in order to move the unit to the locomotive repair facilities at either Chattanooga, Tennessee, or Atlanta, Georgia. The waiver is based on Southern's belief that the wheel slide alarm device would provide a sufficient measure of safety to permit the continued "in service" operation of the defective unit.

In support of the waiver request Southern indicates that it is both possible and practical to isolate the single defective motor or generator and to continue the locomotive in service with reduced pulling power. Southern desires to use this reduced power capability while moving the locomotive to one of the two major locomotive repair facilities and notes that the regulation would only permit the locomotive to be moved "lite" or "dead" under the provisions of § 229.9(a).

Fore River Railroad

(FRA Waiver Petition Docket Number LI-80-27)

The Fore River Railroad seeks a permanent waiver of compliance for a single 44 ton locomotive that is not equipped with a wheel slide indicator as

required by § 229.115. The Fore River Railroad indicates that this locomotive normally is used for switching, rarely handling even 8 freight cars, and consequently does not normally experience any wheel slip problems.

Grafton and Upton Railroad

(FRA Waiver Petition Docket Number LI-81-1)

The Grafton and Upton Railroad seeks a permanent waiver of compliance for a single 44 ton locomotive that is not equipped with a wheel slide indicator as required by § 229.115. The Grafton and Upton indicates that it has operated this unit for many years without experiencing any problem of slipping or sliding wheels.

Island Voyages Incorporated

(FRA Waiver Petition Docket Number LI-81-2)

Island Voyages Incorporated seeks a limited temporary waiver of compliance with the inspection requirement of § 229.23. Island Voyages indicates that it intends to operate a scenic passenger service from Hyannis to Sandwich on Cape Code in the State of Massachusetts during the summer months of 1981. This service will be provided using a leased locomotive.

There are no immediately available inspection facilities that would permit a "pit inspection" as required by § 229.23. Compliance with this provision would, therefore, severely affect the viability of this operation.

River Terminal Railway

(FRA Waiver Petition Docket Number LI-81-3)

The River Terminal Railway (RT) seeks a permanent waiver of compliance for 16 locomotives that are not equipped with an end plate, pilot or snowplow as required by § 229.123. The RT indicates that it operates primarily within the confines of the Republic Steel Corporation facilities at Cleveland, Ohio, and has operated safely for many years without such a device.

(Sec. 5 of the Locomotive Inspection Act, 36 Stat. 914 (45 U.S.C. 28) and § 1.49(c)(5), regs. of the Sec. of Trans. 49 CFR 1.49(c)(5))

Issued in Washington, D.C., April 1, 1981.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-11429 Filed 4-15-81; 8:45 am]

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National Highway Traffic Safety Administration

[Docket IP80-6; Notice 2]

Sheller-Globe Corp.; Grant of Petition for Inconsequential Noncompliance

Sheller-Globe Corporation of Lima, Ohio ("Sheller-Globe" herein) has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.217-76, Motor Vehicle Safety Standard No. 217-76, *Bus Window Retention and Release*, on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on April 10, 1980, and an opportunity afforded for comment (45 FR 24752).

Paragraph S5.3.3(b) of Standard No. 217-76 requires that each school bus door emergency release mechanism operate "upward from inside the bus." Because compliance investigation (agency file CIR 1941) of Dodge vans converted by Sheller-Globe to school buses indicated that on 66 vehicles the releases, in fact, operated downward, Sheller-Globe petitioned that this noncompliance be deemed inconsequential as it relates to motor vehicle safety, reasoning:

Each of these 66 units were (sic) equipped with operating instructions expaining the actual operation of the handle installed and an arrow showing the required downward movement * * *

In addition, Sheller-Globe argued that no confusion was likely since the direction of force, downward, was that generally used by the industry before the effective date of the new requirements.

One comment was received on the petition, from the California Highway Patrol which opposed granting it. In the Patrol's opinion, "to permit a deviation contrary to the standards defeats that portion of the standard whose purpose is added safety through uniformity."

The Patrol is correct in the thought underlying its argument, that one of the purposes of a uniform standard is to minimize confusion at a time when use of a safety device is critical. But against this general purpose the NHTSA must balance the facts of a specific case in determining whether it has an inconsequential relationship to motor vehicle safety. In this instance, there is a minimal number—66—of vehicles and the release mechanisms have operating instructions and directional arrows appropriate for the nonconforming

direction, minimizing if not eliminating the possibility of confusion.

Accordingly, petitioner has met its burden of persuasion. It is hereby determined that the noncompliance described above is inconsequential as it relates to motor vehicle safety, and Sheller-Globe's petition is granted.

The engineer and lawyer primarily responsible for this notice are Bob Williams and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); del. of auth. at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 10, 1981.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

[FR Doc. 81-11471 Filed 4-15-81; 8:45 am]

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Research and Special Programs Administration

[Docket No. 80-10W; Notice 1]

Transportation of Liquids by Pipeline; Petition for Waiver From Compliance With Requirements for Repair of Weld Defects

LOOP, Inc., petitioned the Materials Transportation Bureau (MTB) on November 25, 1980 (Petition No. 80-10W), for a waiver from compliance with Part 195 on certain crude oil piping girth welds made on LOOP's marine terminal pumping platform.

In October 1980, LOOP discovered during construction that repairs had been made to girth welds in the pumping platform piping which were not in compliance with Part 195. While the repairs were in compliance with API 1104 and would be in compliance with Part 195 if made on pipe installed from a pipelay vessel, the repairs were not in compliance with §§ 195.230 and 195.232. These sections do not allow repair of welds containing cracks nor multiple repairs of welds containing other defects. The LOOP petition sought a waiver from compliance with §§ 195.230 and 195.232 on 5 welds which had contained cracks before repair and 105 welds which had been repaired more than once. Three of the welds with cracks were repaired once and two such welds were repaired twice. Weld repairs were made on pipe ranging from 1 inch to 48 inches in diameter.

The LOOP petition argued that the 5 welds which had cracks repaired and the 105 welds repaired more than once were repaired in such a manner that the completed welds have the same level of safety as welds made under literal compliance with Part 195.

In making its decision on this matter, the MTB considered the following:

1. *Comparison of Allowable Weld Repairs of Part 195 With Industry Codes.* 49 CFR Part 195, "Regulations for the Transportation of Liquids by Pipeline," does not allow the repair of a crack in a weld or any repair to a weld segment more than once.

API 1104, "Standards for Welding Pipelines and Related Facilities," allows company authorization of multiple repairs and repair of cracks less than 8 percent of weld length.

ANSI B31.3, "Chemical Plant and Petroleum Refinery Piping," and ASME "Boiler and Pressure Vessel Code," Section VIII, Division 1, make no limitation on the number of times a weld defect can be repaired or between types of repairs (i.e., cracks or other types).

ANSI B31.4, "Liquid Petroleum Transportation Piping Systems," and ANSI B31.8, "Gas Transmission and Distribution Piping Systems," require repairs to be in accordance with API 1104.

Thus, Part 195 is much more stringent than industry codes concerning the repair of defective welds. Part 195 prohibits the repair of cracks, while all industry codes mentioned allow repair of cracks. Similarly, Part 195 allows a one-time repair of defects other than cracks, while the industry codes allow multiple repair of these defects. Judging from the industry codes and experience with their application, the MTB believes that it is feasible to make an acceptable repair to a crack in a weld or to make acceptable multiple repairs on a weld if adequate precautions are taken to assure the integrity of the weld.

2. *Repair Welding Procedure and Test.* The welds were repaired using the original welding procedure in accordance with the ASME code. Radiographic film for the repaired welds was examined by an independent expert consultant, and the results of his review confirmed the removal of the defects within the acceptance standards of Part 195. Comprehensive laboratory tests were performed to duplicate the actual repair conditions. The results of these tests demonstrated that the conditions under which the welds were repaired provided welds having mechanical properties (i.e., strength, ductility, and hardness) and soundness that meet the requirements of API 1104 prescribed by Part 195, including tensile test, nick break test, radiography, guided bend test, and hardness of weld metal, heat affected zone, and base metal.

Further, impact testing was performed to assure that fracture toughness of the heat affected zone was retained. Based